

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK ROBINSON  
3901 Market Street, Apt. 625  
Philadelphia, PA 19104-3117,

Plaintiff,

vs.

CIVIL ACTION NO.

DIVERSIFIED ADJUSTMENT SERVICE, INC.  
600 Coon Rapids Boulevard  
Coon Rapids, MN 55433,

Defendant.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (“FDCPA”).

2. The FDCPA prohibits debt collectors from communicating with a consumer in connection with the collection of a debt if the debt collector knows the consumer is represented by an attorney with respect to such debt. 15 U.S.C. § 1692c(a)(2).

3. Despite knowing Plaintiff was represented by an attorney and knowing the name and address of his attorney, Defendant continued to communicate with Plaintiff directly via phone and mail in violation of the FDCPA.

**II. JURISDICTION**

4. Jurisdiction arises under 15 U.S.C. § 1692k and 28 U.S.C. § 1337.

**III. PARTIES**

5. Plaintiff Frank Robinson (“Plaintiff”) is a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

6. Defendant Diversified Adjustment Service, Inc. ("Diversified") is upon information and belief, a Minnesota corporation, with a place of business in Coon Rapids, Minnesota and a mailing address as captioned.

7. Diversified regularly engages in the collection of consumer debts in the Eastern District of Pennsylvania.

8. Diversified regularly attempts to collect consumer debts alleged to be due another.

9. Diversified is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

#### **IV. STATEMENT OF CLAIM**

10. On June 29, 2010, Defendant Diversified sent Plaintiff a collection notice seeking to collect a consumer debt alleged due. A copy of the June 29, 2010 collection notice is attached hereto as Exhibit "A" (redacted for privacy per Fed. R. Civ. Pro. 5.2).

11. Plaintiff contacted Robert Reibstein, Esquire for assistance. Attorney Reibstein on August 23, 2010 sent a certified letter to Diversified, stating:

"PLEASE BE ADVISED I REPRESENT THE INTERESTS OF FRANK D. ROBINSON OF PHILADELPHIA IN REFERENCE TO THE ABOVE CAPTIONED MATTER. MY CLIENT DISPUTES YOUR CLIENT'S CLAIM THAT ANY MONEY IS OWED TO THEM BY HIM.

BY THIS CORRESPONDENCE DEMAND IS MADE FOR THE ORIGINAL CONTRACT BETWEEN THE PARTIES.

BY THIS CORRESPONDENCE YOU ARE ADVISED NOT TO CONTACT MY CLIENT DIRECTLY BY LETTER OR TELEPHONE. YOU MAY DIRECT ANY FURTHER CORRESPONDENCE TO THIS OFFICE."

A copy of Mr. Reibstein's August 23, 2010 letter to Diversified is attached hereto as Exhibit "B" (redacted).

12. The fax listed Attorney Reibstein's address, phone number, fax number, and e-mail address.

13. Despite notice that Plaintiff was represented by Attorney Reibstein, on August 28, 2010, Defendant sent Plaintiff another collection notice. A copy of the August 28, 2010 collection notice is attached hereto as Exhibit "C" (redacted).

14. Section 1692c(a)(2) of the FDCPA prohibits debt collectors from communicating with a consumer in connection with the collection of a debt if the debt collector knows the consumer is represented by an attorney with respect to such debt.

15. Diversified's continued communications to Mr. Robinson to collect this old disputed debt after knowing he was represented by counsel is a violation of the FDCPA.

**COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

16. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

17. Defendant Diversified's letters to Plaintiff violate the FDCPA by communicating with a consumer it knew to be represented by an attorney with respect to the debt it was trying to collect. 15 U.S.C. § 1692c(a)(2).

**WHEREFORE**, Plaintiff Frank Robinson demands judgment against Defendant Diversified Adjustment Service, Inc. for:

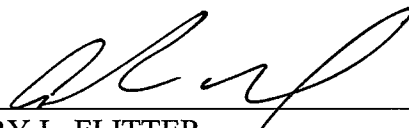
- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 1/18/11

  
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